

108TH CONGRESS  
2D SESSION

# H. R. 4441

To reform and improve the rental housing voucher program under section  
8 of the United States Housing Act of 1937.

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IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2004

Mr. GERLACH introduced the following bill; which was referred to the  
Committee on Financial Services

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## A BILL

To reform and improve the rental housing voucher program  
under section 8 of the United States Housing Act of 1937.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Revitalizing Older  
5       Communities Through Housing Improvements Act of  
6       2004”.

7       **SEC. 2. IMPROVING UTILIZATION AND SUCCESS RATES.**

8       (a) INCREASED PAYMENT STANDARD.—Section  
9       8(o)(1)(D) of the United States Housing Act of 1937 (42  
10      U.S.C. 1437f(o)(1)(D)) is amended—

1           (1) by striking “(D) APPROVAL.—The” and in-  
2       serting the following:

3           “(D) EXCEPTION PAYMENT STANDARDS.—

4           “(i) APPROVAL.—The”; and

5       (2) by adding at the end the following:

6           “(ii) INCREASED PAYMENT STAND-

7       ARD.—A public housing agency may estab-

8       lish a payment standard for the same size

9       dwelling unit in a market area or portion

10      of a market area between 110 and 150

11      percent of the fair market rent, if the pay-

12      ment standard for the market area or por-

13      tion of a market area has been set at 110

14      percent or above for the 6 months prior to

15      the establishment of the new payment

16      standard and the public housing agency

17      determines that it has—

18           “(I) a voucher success rate (the

19      proportion of families that are issued

20      a voucher that succeed in leasing a

21      unit within the timeframe provided by

22      the public housing agency to search

23      for housing) of not more than 80 per-

24      cent or has provided an extended

25      search time of not less than 90 days

1 to a significant number of voucher re-  
2 cipients; or

3 “(II) problems with concentration  
4 of the voucher holders in high-poverty  
5 areas.

6 “(iii) DISABILITY ACCOMMODATION.—

7 A public housing agency may establish a  
8 payment standard of not more than 150  
9 percent of the fair market rent where nec-  
10 essary as a reasonable accommodation for  
11 a person with a disability, without approval  
12 of the Secretary. A public housing agency  
13 may seek approval of the Secretary to use  
14 a payment standard greater than 150 per-  
15 cent of the fair market rent as a reason-  
16 able accommodation for a person with a  
17 disability.

18 “(iv) SECRETARY APPROVAL.—A pub-  
19 lic housing agency may establish a pay-  
20 ment standard in accordance with clause  
21 (ii) without approval of the Secretary, if  
22 the public housing agency includes in its  
23 annual plan that is submitted to the Sec-  
24 retary pursuant to section 5A(b)—

1 “(I) the reasons for the increase  
2 in the payment standard;

3 “(II) a description of how and  
4 why the public housing agency has de-  
5 termined that it meets the require-  
6 ments of clause (ii); and

7 “(III) a description of other steps  
8 the public housing agency is taking, in  
9 addition to increasing the payment  
10 standard, to address the problems of  
11 voucher utilization, voucher success  
12 rates (the proportion of families that  
13 are issued a voucher that succeed in  
14 leasing a unit within the timeframe  
15 provided by the public housing agency  
16 to search for housing), and concentra-  
17 tion of voucher holders.

18 “(v) APPLICABILITY.—Clauses (ii)  
19 through (iv) shall apply with respect only  
20 to amounts made available for rental as-  
21 sistance under this subsection for fiscal  
22 year 2005 and fiscal years thereafter.”.

23 (b) TIGHT RENTAL MARKETS.—The Secretary of  
24 Housing and Urban Development shall, not later than the  
25 expiration of the 12-month period beginning on the date

1 of the enactment of this Act, issue regulations to imple-  
2 ment the recommendations made by the Millennial Housing  
3 Commission in the report entitled “Meeting Our Nation’s  
4 Challenges”, dated May 30, 2002, regarding improving  
5 the housing choice voucher program under section 8(o) of  
6 the United States Housing Act of 1937. Such regulations  
7 shall provide that—

8 (1) the Secretary shall expand the resources de-  
9 voted to rent surveys to ensure that published fair  
10 market rentals established under section 8(c) of such  
11 Act do not lag actual rents; and

12 (2) exception payment standards under section  
13 8(o)(1)(D) of such Act (as amended by subsection  
14 (a) of this section) are more quickly approved when  
15 census data demonstrate that average area rents are  
16 at the level of the exception sought (subject to ap-  
17 propriate maximum limitations, as the Secretary of  
18 Housing and Urban Development shall provide).

19 **SEC. 3. TERMINATION OF HOUSING ASSISTANCE PAYMENTS**  
20 **CONTRACT.**

21 Section 8(o) of the United States Housing Act of  
22 1937 (42 U.S.C. 1437f(o)) is amended by adding at the  
23 end the following new paragraph:

24 “(20) BREACH OF HAP CONTRACT.—Each  
25 housing assistance payment contract for assistance

1 under this subsection shall provide that it shall be  
 2 breach of such contract for the owner to fail to pay  
 3 State or local real estate taxes, fines, or assessments  
 4 relating to a dwelling unit assisted under the con-  
 5 tract or the building in which the unit is located.”.

6 **SEC. 4. COMMISSION TO STUDY PUBLIC AND SECTION 8**  
 7 **HOUSING.**

8 (a) ESTABLISHMENT.—There is hereby established a  
 9 commission to be known as the Commission to Revitalize  
 10 Older Communities Through Housing Improvements (in  
 11 this section referred to as the “Commission”).

12 (b) MEMBERSHIP.—

13 (1) APPOINTMENT.—The Commission shall be  
 14 composed of 9 members, appointed not later than 90  
 15 days after amounts are appropriated pursuant to  
 16 subsection (g) or are otherwise made available from  
 17 non-Federal sources to carry out this section. Each  
 18 member shall be appointed for the life of the Com-  
 19 mission. The members shall be as follows:

20 (A) 3 members appointed by the President.

21 (B) 2 members appointed by the Speaker  
 22 of the House of Representatives.

23 (C) 1 member appointed by the minority  
 24 leader of the House of Representatives.

1 (D) 2 members appointed by the majority  
2 leader of the Senate.

3 (E) 1 member appointed by the minority  
4 leader of the Senate.

5 (2) CHAIRPERSON.—The Commission shall elect  
6 a chairperson from among the members of the Com-  
7 mission.

8 (3) QUORUM.—A majority of the members of  
9 the Commission shall constitute a quorum for the  
10 transaction of business.

11 (4) VACANCIES.—Any vacancy on the Commis-  
12 sion shall not affect its powers, but shall be filled in  
13 the manner in which the original appointment was  
14 made.

15 (5) PROHIBITION OF ADDITIONAL PAY.—Mem-  
16 bers of the Commission who are full-time officers or  
17 employees of the United States may not receive ad-  
18 ditional pay, allowances, or benefits by reason of  
19 their service on the Commission.

20 (6) TRAVEL EXPENSES.—Each member of the  
21 Commission shall receive travel expenses, including  
22 per diem in lieu of subsistence, in accordance with  
23 sections 5702 and 5703 of title 5, United States  
24 Code.

25 (c) FUNCTIONS.—

1           (1) STUDY.—The Commission shall conduct a  
2 study regarding the following topics:

3           (A) PUBLIC HOUSING COMMUNITY SERVICE  
4 REQUIREMENT.—The Commission shall study  
5 the community service requirement under sec-  
6 tion 12(c) of the United States Housing Act of  
7 1937 (42 U.S.C. 1437j(c)) to determine—

8           (i) the effectiveness of such require-  
9 ment in producing community service con-  
10 tributions by residents of public housing,  
11 taking into consideration exemptions under  
12 law for certain individuals and the tem-  
13 porary suspension of the requirement and  
14 of funding for carrying out the require-  
15 ment;

16           (ii) the best means of determining  
17 compliance with, and enforcing, the com-  
18 munity service requirement;

19           (iii) the actual level of compliance  
20 with the community service requirement;  
21 and

22           (iv) whether applying the community  
23 service requirement to recipients of rental  
24 housing voucher assistance under section  
25 8(o) of such Act would be feasible and ef-



1           fective, taking into consideration the large  
2           proportion of recipients of such assistance  
3           that are employed and the significant ad-  
4           ministrative burdens and costs public hous-  
5           ing agencies would incur in implementing,  
6           administrating, and enforcing such require-  
7           ment.

8           (B) VOUCHER CONCENTRATION REDUC-  
9           TION.—The Commission shall study—

10                   (i) the effectiveness and feasibility, for  
11                   purposes of reducing concentration of pov-  
12                   erty, of authorizing public housing agencies  
13                   to establish a limitation on the number of  
14                   rental housing assistance vouchers under  
15                   section 8 of the United States Housing Act  
16                   of 1937 that may be used for rental of  
17                   dwelling units located within any single  
18                   municipality or area, which limitation shall  
19                   be based on the percentage of recipients of  
20                   such assistance to the total population;

21                   (ii) the consistency of such a limita-  
22                   tion with, and effects on, the portability re-  
23                   quirements under section 8(r) of such Act;  
24                   and

1 (iii) various solutions to avoiding con-  
2 centration of voucher recipients, including  
3 requiring, in a case where a limitation re-  
4 ferred to in clause (i) prevents use of  
5 vouchers in a municipality or area, that  
6 the relevant public housing agency increase  
7 the amount of monthly assistance provided  
8 under a voucher to permit such voucher re-  
9 cipients to obtain housing in other areas  
10 having higher housing costs.

11 (2) REPORT.—The Commission shall submit a  
12 report to the Congress and the Secretary of Housing  
13 and Urban Development regarding the results of the  
14 study not later than 180 days after the completion  
15 of the appointment of the members of the Commis-  
16 sion pursuant to subsection (b)(1).

17 (d) POWERS.—

18 (1) HEARINGS.—The Commission may, for the  
19 purpose of carrying out this section, hold such hear-  
20 ings, sit and act at times and places, take testimony,  
21 and receive evidence as the Commission considers  
22 appropriate.

23 (2) RULES AND REGULATIONS.—The Commis-  
24 sion may adopt such rules and regulations as may  
25 be necessary to establish its procedures and to gov-

1       ern the manner of its operations, organization, and  
2       personnel.

3           (3) OBTAINING OFFICIAL DATA.—The Commis-  
4       sion may secure directly from any department or  
5       agency of the United States information necessary  
6       to enable it to carry out this section. Upon request  
7       of the Chairperson of the Commission, the head of  
8       that department or agency shall furnish that infor-  
9       mation to the Commission. The Commission may re-  
10      quire information directly from any public housing  
11      agency (as such term is defined in section 3(b) of  
12      the United States Housing Act of 1937 (42 U.S.C.  
13      1437a(b))) to the same extent that the Secretary of  
14      Housing and Urban Development may require such  
15      information.

16          (4) ADMINISTRATIVE SUPPORT SERVICES.—  
17      Upon the request of the Commission, the Adminis-  
18      trator of General Services shall provide to the Com-  
19      mission, on a reimbursable basis, the administrative  
20      support services necessary for the Commission to  
21      carry out its responsibilities under this section.

22          (5) STAFF OF HUD.—Upon request of the  
23      Chairperson of the Commission, the Secretary of  
24      Housing and Urban Development shall, to the extent  
25      possible and subject to the discretion of the Sec-

1       retary, detail, on a reimbursable basis, any of the  
2       personnel of the Department to the Commission to  
3       assist it in carrying out its duties under this section.

4           (6) **MAILS.**—The Commission may use the  
5       United States mails in the same manner and under  
6       the same conditions as other departments and agen-  
7       cies of the United States.

8           (7) **EXECUTIVE DIRECTOR.**—The Commission  
9       shall have a Director who shall be appointed by the  
10      Commission. To the extent or in the amounts pro-  
11      vided in advance in appropriation Acts, the Director  
12      shall be paid at a rate fixed by the Commission, but  
13      not to exceed the rate of basic pay for level V of the  
14      Executive Schedule.

15          (8) **STAFF.**—The Commission may appoint and  
16      fix the pay of such personnel as it considers appro-  
17      priate, in accordance with the provisions of title 5,  
18      United States Code, governing appointments in the  
19      competitive service, and the provisions of chapter 51  
20      and subchapter III of chapter 53 of that title relat-  
21      ing to classification and General Schedule pay rates.

22          (e) **ADVISORY COMMITTEE.**—The Commission shall  
23      be considered an advisory committee within the meaning  
24      of the Federal Advisory Committee Act (5 U.S.C. App.).

1       (f) SUNSET.—The Commission shall terminate 30  
2 days after submitting the report pursuant to subsection  
3 (c)(2).

4       (g) AUTHORIZATION OF APPROPRIATIONS.—There  
5 are authorized to be appropriated such sums as may be  
6 necessary to carry out this section.

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